

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROSSA PALLANTE : CIVIL ACTION
: :
v. : :
: :
THOSE CERTAIN UNDERWRITERS AT : NO. 17-1142
LLOYD'S, LONDON : :

ORDER

AND NOW, this 21st day of August, 2018, for the reasons set forth in the accompany memorandum, it is hereby ORDERED that the motion of defendant Those Certain Underwriters at Lloyd's, London for summary judgment under Rule 56 of the Federal Rules of Civil Procedure (Doc. # 55) against plaintiff Rossa Pallante is GRANTED in part and DENIED in part, as follows:

1) Summary judgment is GRANTED in favor of defendant Those Certain Underwriters at Lloyd's, London and against plaintiff Rossa Pallante on defendant's counterclaim of common law fraud.

2) Summary judgment is GRANTED in favor of defendant Those Certain Underwriters at Lloyd's, London and against plaintiff Rossa Pallante on defendant's counterclaim of fraud under the New Jersey Fraud Prevention Act, N.J.S.A. §§ 17:33A, et seq.

3) The homeowners insurance policy # WMPH00826 issued to plaintiff Rossa Pallante by defendant Those Certain Underwriters at Lloyd's, London is rescinded ab initio.

4) Summary judgment is GRANTED in favor of defendant Those Certain Underwriters at Lloyd's, London and against plaintiff Rossa Pallante in the amount of \$361,767.16, plus prejudgment interest in the amount of \$45,345.15, for a total of \$407,112.31.

5) The motion of defendant Those Certain Underwriters at Lloyd's, London for summary judgment against plaintiff Rossa Pallante as to its claim for a declaratory judgment is DENIED as a matter of law and that claim is DISMISSED.

BY THE COURT:

/s/ Harvey Bartle III

J.